

SENATE BILL 1726

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3; Title 38, Chapter 6; Title 39; Title 40, Chapter 39 and Title 55, Chapter 10, Part 4, relative to persons convicted of driving under the influence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 10, Part 4, is amended by adding the following as a new section:

55-10-426.

(a) As used in this section:

(1) "Conviction" means a judgment entered by a Tennessee court upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment;

(2) "Director" means the director of the TBI;

(3) "DUI" means driving under the influence of an intoxicant, as defined in § 55-10-401; and

(4) "TBI" means the Tennessee bureau of investigation.

(b)

(1) Beginning January 1, 2021, the TBI shall post on its website a publicly accessible list of any person convicted of a second or subsequent DUI offense on and after that date.

(2)

(A) The list must include a photograph taken of the convicted offender as part of the booking process, the offender's full legal name, and other identifying data as the TBI determines is necessary to properly identify the offender and to exclude innocent persons.

(B) The list shall not include the offender's social security number, driver license number, or any other state or federal identification number.

(c) The court clerks shall forward a copy of the judgment and date of birth of all persons convicted of a second or subsequent DUI offense to the TBI within sixty (60) calendar days of the date of judgment.

(d)

(1) Upon a person's conviction for a second DUI offense, the TBI shall maintain the person's name and other identifying information, described in subdivision (b)(2), on the list published under subdivision (b)(1) for two (2) years following the date of conviction, after which time the TBI shall remove the person's name and identifying information from the list; provided, that the person is not convicted of another DUI offense during that two-year period.

(2) Upon a person's conviction for a third or subsequent DUI offense, the TBI shall maintain the person's name and other identifying information, described in subdivision (b)(2), on the list published under subdivision (b)(1) for five (5) years following the date of the most recent conviction, after which time the TBI shall remove the person's name and identifying information from the list; provided, that the person is not convicted of another DUI offense during that five-year period.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.